



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Friddle *et al.* Group Art Unit: 1647
Application No.: 09/974,712 Examiner: R. S. Landsman
Filed: 10/10/01
Title: Polynucleotides and Polypeptides Atty. Docket No. LEX-0251-USA
Encoding Human Ion Channel Proteins
(As Amended)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MS AF

Commissioner for Patents
Alexandria, VA 22313

Sir:

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Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner in the Final Office Action mailed on May 16, 2003 (Paper No. 12) finally rejecting claims 1-3, and 5.

The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$165.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892. Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to charge any underpayment or credit any overpayment to Lexicon Genetics Incorporated Deposit Account No. 50-0892.

Respectfully submitted,

October 16, 2003

Date

Peter G. Seferian
Agent For Applicants

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